

# Exhibit D

**EXHIBIT D – DEFENDANT CHARLES SCHWAB CORP.’S PROPOSED CONSTRUCTIONS AND SUPPORT****A. U.S. Pat. No. 8,190,610**

<b>Disputed Term/Phrase</b>	<b>Defendant’s Proposed Construction</b>	<b>Defendant’s Support</b>
“a plurality of mapping functions that are each user-configurable”	“two or more mapping functions that are individually configurable by a user”	<p><b><u>Intrinsic Evidence</u></b></p> <ul style="list-style-type: none"> <li>• ’610 Patent at 1:20-1:27, 1:31-1:33, 1:42-44, 1:66-2:4, 2:9-2:12, 2:21-2:39, 2:52-2:67, 3:15-3:18, 3:35-3:41, 3:48-4:3, 4:4-4:22, 4:36-4:59, 4:60-5:4, 5:13-5:18, 5:33-5:39, 5:40-6:17, 6:18-7:23, 8:15-8:24, 8:25-8:27, 8:47-8:52, Claims 1, 17, 33, 40, Figs. 1-5;</li> <li>• ’610 File History: 3/9/2010 OA Response at 2; 8/17/2010 OA at 3-5; 11/17/2010 OA Response at 2-11, 13-16; 7/6/2011 OA Response at 2, 5-16; 11/09/2011 OA Response at 2, 5-6, 10-12, 14-17.</li> </ul> <p>Defendant reserves the right to identify, designate, and rely upon expert testimony and/or other extrinsic evidence to rebut any expert testimony and/or other extrinsic evidence relied upon by Plaintiff. Defendant also reserves the right to rely on intrinsic evidence in rebuttal to Plaintiff’s position.</p>
“the first data group is mapped differently than the data of the second data group”	“the mapping functions are different for the first data group and the second data group”	<p><b><u>Intrinsic Evidence</u></b></p> <ul style="list-style-type: none"> <li>• ’610 Patent at 1:22-1:27, 1:31-1:44, 1:66-2:8, 2:56-2:58, 2:61-2:64, 3:15-3:18, 3:25-3:34, 3:35-3:47, 3:48-3:57, 3:58-3:64, 3:65-4:3, 4:9-4:18, 4:23-4:30, 4:40-4:50, 7:40-7:59, 8:15-8:24, 8:25-8:33, 8:47-8:58, Claims 1, 17, 33, 40, Figs. 1-5;</li> <li>• ’610 File History: 3/9/2010 OA Response at 2, 5-6, 13-15; 8/17/2010 OA at 3-5;</li> </ul>

**EXHIBIT D – DEFENDANT CHARLES SCHWAB CORP.’S PROPOSED CONSTRUCTIONS AND SUPPORT**

Disputed Term/Phrase	Defendant’s Proposed Construction	Defendant’s Support
		<p>11/17/2010 OA Response at 2, 5-6, 13-16; 4/6/2011 OA at 4-5; 7/6/2011 OA Response at 2, 5-6, 13-16; 8/9/2011 OA at 2-3; 11/09/2011 OA Response at 2, 5-6, 14-17.</p> <p>Defendant reserves the right to identify, designate, and rely upon expert testimony and/or other extrinsic evidence to rebut any expert testimony and/or other extrinsic evidence relied upon by Plaintiff. Defendant also reserves the right to rely on intrinsic evidence in rebuttal to Plaintiff’s position.</p>
“data set”	Indefinite	<p><b><u>Intrinsic Evidence</u></b></p> <ul style="list-style-type: none"> <li>• ’610 Patent at 1:31-1:33, 1:66-2:2, 2:9-2:12, 2:19-2:21, 2:31-2:35, 2:61-2:64, 3:25-3:62, 4:1-4:3, 4:23-4:30, 4:40-4:47, 7:20-7:23, 7:40-7:59, 8:15-8:24, 8:29-8:33, 8:47-8:52;</li> <li>• ’610 File History: 3/9/2010 OA Response at 13-15; 11/17/2010 OA Response at 13-16; 7/6/2011 OA Response at 13-16; 11/17/2010 OA Response at 13-16; 11/9/2011 OA Response at 10, 11-12, 14-17.</li> </ul> <p>Defendant reserves the right to identify, designate, and rely upon expert testimony and/or other extrinsic evidence to rebut any expert testimony and/or other extrinsic evidence relied upon by Plaintiff. Defendant also reserves the right to rely on intrinsic evidence in rebuttal to Plaintiff’s position.</p>
“data group”	“a group of data having the same schema and a mechanism for identifying data from that group (e.g., a group identifier)”	<p><b><u>Intrinsic Evidence</u></b></p> <ul style="list-style-type: none"> <li>• ’610 Patent at Abstract, 1:31-1:41, 1:54-57,</li> </ul>

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		<p>1:66-2:12, 2:31-2:33, 3:35-4:22, 4:23-4:35, 4:36-4:59, 4:63-4:66, 6:18-7:18, 7:40-7:50, 8:15-8:45; Claims 1-7, 9, 11-12, 16-24, 28, 32-33, 40, Figs. 1-5;</p> <ul style="list-style-type: none"> <li>• ’610 File History: 12/9/2010 OA at 3-6, 9-15, 17-18, 20-23, 28-29; 3/9/2010 OA Response at 2-6, 8-9, 11, 13-15; 8/17/2010 OA 3-10; 11/17/2010 OA Response at 5-6, 8-10, 13-16; 4/6/2011 OA at 4-9; 7/6/2011 OA Response at 2-6, 8-11, 13-16; 8/9/2011 OA at 2-11; 11/9/2011 OA Response at 2-11, 14-17.</li> </ul> <p>Defendant reserves the right to identify, designate, and rely upon expert testimony and/or other extrinsic evidence to rebut any expert testimony and/or other extrinsic evidence relied upon by Plaintiff. Defendant also reserves the right to rely on intrinsic evidence in rebuttal to Plaintiff’s position.</p>
“data partition”	“a portion of data from a data group that is the input to a map function”	<p><b><u>Intrinsic Evidence</u></b></p> <ul style="list-style-type: none"> <li>• ’610 Patent at 1:66-2:2, 2:9-2:12, 2:31-2:39, 2:56-2:64, 3:3-3:6, 3:48-3:62, 3:65-4:1, 5:22-5:25, 5:63-5:65, Figs. 1-5;</li> <li>• ’610 File History: 12/9/2009 OA at 6-8, 15-17, 24-25, 27-34; 11/17/2010 OA Response at 13-16; 4/6/2011 OA at 6-7, 10; 7/6/2011 OA Response at 13-16; 8/9/2011 OA at 45, 8-11; 11/09/2011 OA Response at 2-8, 10-17.</li> </ul>

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Disputed Term/Phrase	Defendant’s Proposed Construction	Defendant’s Support
		<p>Defendant reserves the right to identify, designate, and rely upon expert testimony and/or other extrinsic evidence to rebut any expert testimony and/or other extrinsic evidence relied upon by Plaintiff. Defendant also reserves the right to rely on intrinsic evidence in rebuttal to Plaintiff’s position.</p>
<p>“including processing the intermediate data for each data group in a manner that is defined to correspond to that data group, so as to result in a merging of the corresponding different intermediate data based on the key in common”</p>	<p>“processing the intermediate data differently based on which data group the intermediate data came from and merging the intermediate data regardless of what data group it came from based on the key in common”</p>	<p><b><u>Intrinsic Evidence</u></b></p> <ul style="list-style-type: none"> <li>• ’610 Patent at 1:17-1:20, 1:22-1:28, 1:34-1:41, 2:2-2:8, 3:41-3:45, 3:48-3:50, 3:58-3:64, 4:1-4:22, 4:23-4:35, 4:36-4:59, 4:60-5:18, 5:19-6:7, 6:18-7:23, 7:61-8:14, 8:24-8:27, 8:29-8:34, 8:47-8:58, Figs. 1-5;</li> <li>• ’610 File History: 11/17/2010 OA Response at 13-16; 3/9/2010 OA Response at 4, 13-15.</li> </ul> <p>Defendant reserves the right to identify, designate, and rely upon expert testimony and/or other extrinsic evidence to rebut any expert testimony and/or other extrinsic evidence relied upon by Plaintiff. Defendant also reserves the right to rely on intrinsic evidence in rebuttal to Plaintiff’s position.</p>
<p>“at least one output data group is a plurality of output data groups”</p>	<p>Indefinite</p>	<p><b><u>Intrinsic Evidence</u></b></p> <ul style="list-style-type: none"> <li>• ’610 Patent at 3:48-4:22, 6:24-7:18.</li> </ul> <p>Defendant reserves the right to identify, designate, and rely upon expert testimony and/or other extrinsic evidence to rebut any expert testimony and/or other extrinsic evidence relied upon by Plaintiff. Defendant also reserves the right to rely on</p>

**EXHIBIT D – DEFENDANT CHARLES SCHWAB CORP.’S PROPOSED CONSTRUCTIONS AND SUPPORT**

<b>Disputed Term/Phrase</b>	<b>Defendant’s Proposed Construction</b>	<b>Defendant’s Support</b>
		intrinsic evidence in rebuttal to Plaintiff’s position.

**B. U.S. Patent No. 7,370,011**

<b>Disputed Term/Phrase</b>	<b>Defendant’s Proposed Construction</b>	<b>Defendant’s Support</b>
“a link from a portal”	“a URL on the portal site that references a page on the institution’s site”	<p><b><u>Intrinsic Evidence</u></b></p> <ul style="list-style-type: none"> <li>• ’011 Patent at Abstract, 2:5-17, 5:40-62, 7:32-49, 7:66-8:22, Figs. 4-6, claims 1, 5, 6, 7, 9, 12, 14;</li> <li>• ’011 File History: Interview Summary, at 2 (May 17, 2007); OA Response, 7-9 (Apr. 30, 2007); OA Response, at 9-10 (Oct. 27, 2006).</li> </ul> <p>Defendant reserves the right to identify, designate, and rely upon expert testimony and/or other extrinsic evidence to rebut any expert testimony and/or other extrinsic evidence relied upon by Plaintiff. Defendant also reserves the right to rely on intrinsic evidence in rebuttal to Plaintiff’s position.</p>
“each link from the portal”	“a URL on the portal site that references a page on the institution’s site”	<p><b><u>Intrinsic Evidence</u></b></p> <ul style="list-style-type: none"> <li>• ’011 Patent at Abstract, 1:13-18, 2:5-17, 5:40-62, 7:32-49, 7:66-8:22, Figs. 4-6, claims 1, 5, 6, 7, 9, 12, 14;</li> <li>• ’011 File History: Interview Summary, at 2 (May 17, 2007); OA Response, 7-9 (Apr. 30, 2007); OA Response, at 9-10 (Oct. 27, 2006).</li> </ul> <p>Defendant reserves the right to identify, designate,</p>

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<b>Disputed Term/Phrase</b>	<b>Defendant’s Proposed Construction</b>	<b>Defendant’s Support</b>
		and rely upon expert testimony and/or other extrinsic evidence to rebut any expert testimony and/or other extrinsic evidence relied upon by Plaintiff. Defendant also reserves the right to rely on intrinsic evidence in rebuttal to Plaintiff’s position.
“a user identification”	“user-specific portal authentication data that authenticates the user to the portal”	<p><b><u>Intrinsic Evidence</u></b></p> <ul style="list-style-type: none"> <li>• ’011 Patent at Abstract, 3:19-40, 4:6-28, 4:29-53, 4:54-63, 5:64-5:11, 5:18-32, 5:33-39, 5:40-62, 5:63-6:3, 6:18-32, 7:16-29, 7:35-8:22, 9:39-10:40, 10:53-67, 11:1-24, 11:47-67, Figs. 1, 3-6, claims 1, 7, 8, 9, 11, 14, 16;</li> <li>• ’011 File History: OA Response, 7-10 (Apr. 30, 2007); OA Response, at 9-10 (Oct. 27, 2006); OA Response, at 7-8 (June 1, 2006).</li> </ul> <p>Defendant reserves the right to identify, designate, and rely upon expert testimony and/or other extrinsic evidence to rebut any expert testimony and/or other extrinsic evidence relied upon by Plaintiff. Defendant also reserves the right to rely on intrinsic evidence in rebuttal to Plaintiff’s position.</p>
“respective user identifications”	“user-specific portal authentication data that authenticates the user to the portal”	<p><b><u>Intrinsic Evidence</u></b></p> <ul style="list-style-type: none"> <li>• ’011 Patent at Abstract, 1:13-18, 3:19-40, 4:6-28, 4:29-53, 4:54-63, 5:64-5:11, 5:18-32, 5:33-39, 5:40-62, 5:63-6:3, 6:18-32, 7:16-29, 7:35-8:22, 9:39-10:40, 10:53-67, 11:1-24, 11:47-67, Figs. 1, 3-6, Claims 1, 7, 8, 9, 11, 14, 16;</li> <li>• ’011 File History: OA Response, 7-10 (Apr.</li> </ul>

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<b>Disputed Term/Phrase</b>	<b>Defendant’s Proposed Construction</b>	<b>Defendant’s Support</b>
		<p>30, 2007); OA Response, at 9-10 (Oct. 27, 2006); OA Response, at 7-8 (June 1, 2006).</p> <p>Defendant reserves the right to identify, designate, and rely upon expert testimony and/or other extrinsic evidence to rebut any expert testimony and/or other extrinsic evidence relied upon by Plaintiff. Defendant also reserves the right to rely on intrinsic evidence in rebuttal to Plaintiff’s position.</p>
“user-institution authentication data”	No construction necessary at this time. Defendant contends that the plain and ordinary meaning controls.	
“associating the user identification with the portal”	“storing or recording the user-specific portal authentication data included in the link”	<p><b><u>Intrinsic Evidence</u></b></p> <ul style="list-style-type: none"> <li>• ’011 Patent at Abstract, 3:19-40, 4:13-21, 4:29-53, 4:56-63, 4:64-5:11, 5:18-39, 5:44-62, 5:63-6:3, 7:16-29, 7:35-8:22, Figs. 1, 3-6, Claims 1, 4, 7, 8, 9, 11, 14, 16;</li> <li>• ’011 File History: OA Response, at 7-8 (June 1, 2006).</li> </ul> <p>Defendant reserves the right to identify, designate, and rely upon expert testimony and/or other extrinsic evidence to rebut any expert testimony and/or other extrinsic evidence relied upon by Plaintiff. Defendant also reserves the right to rely on intrinsic evidence in rebuttal to Plaintiff’s position.</p>
“associating respective user identifications with the portal”	“storing or recording the user-specific portal authentication data included in the link”	<p><b><u>Intrinsic Evidence</u></b></p> <ul style="list-style-type: none"> <li>• ’011 Patent at Abstract, 1:13-18, 3:19-40, 4:13-21, 4:29-53, 4:56-63, 4:64-5:11, 5:18-39, 5:44-62, 5:63-6:3, 7:16-29, 7:35-8:22,</li> </ul>

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Disputed Term/Phrase	Defendant’s Proposed Construction	Defendant’s Support
		<p>Figs. 1, 3-6, claims 1, 4, 7, 8, 9, 11, 14, 16;</p> <ul style="list-style-type: none"><li>• '011 File History: OA Response, at 7-8 (June 1, 2006).</li></ul> <p>Defendant reserves the right to identify, designate, and rely upon expert testimony and/or other extrinsic evidence to rebut any expert testimony and/or other extrinsic evidence relied upon by Plaintiff. Defendant also reserves the right to rely on intrinsic evidence in rebuttal to Plaintiff’s position.</p>